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REFERENCE TITLE: voter registration database; felony convictions

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SB 1509

Introduced by
Senator Martin; Representative Paton; Senators Bee, Blendu, Harper,
Huppenthal, Jarrett, Verschoor; Representatives Gorman, Stump

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; RELATING TO QUALIFICATION
AND REGISTRATION OF ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-168, Arizona Revised Statutes, is amended to read:

16-168. Precinct registers: date of preparation: contents: copies: reports: statewide database: violation: classification

A. By the tenth day preceding the primary and general elections the county recorder shall prepare from the original registration forms or from electronic media at least four lists that are printed or typed on paper of all qualified electors in each precinct in the county, and the lists shall be the official precinct registers.

B. The official precinct registers for use at the polling place shall contain at least the names in full, party preference, date of registration and residence address of each qualified elector in the respective precincts. The names shall be in alphabetical order and, in a column to the left of the names, shall be numbered consecutively beginning with number 1 in each precinct register.

C. For the purposes of transmitting voter registration information as prescribed by this subsection, computer generated disks or computer software with at least six hundred forty megabytes of storage in counties with a population over five hundred thousand in the last decennial census shall be the principal media. A county or state chairman who is eligible to receive copies of precinct lists as prescribed by this subsection may request that the recorder provide a paper copy of the precinct lists. The county recorder, in addition to preparing the official precinct lists, shall provide a means for mechanically or electronically reproducing the precinct lists and unless otherwise agreed shall deliver within eight days after the close of registration for the primary and general elections, without charge, on the same day one electronic media copy of each precinct list within the county to the county chairman and one electronic media copy to the state chairman of each party that has at least four candidates other than presidential electors appearing upon the ballot in that county at the current election. The county recorder shall also deliver, upon request and without charge, one electronic media copy of the precinct list to the Arizona legislative council. The county recorder of a county with a population of fewer than four hundred thousand persons, on the same day precinct lists are delivered to county chairmen, shall deliver one electronic media copy of each precinct list within the county to the state chairman of each party that has at least four candidates other than presidential electors appearing on the ballot in this state at the current election. The copies of the precinct lists shall be on magnetic computer disks or computer software with at least six hundred forty megabytes of storage which shall include for each elector the following information:

1. Name in full and appropriate title.
2. Party preference.
3. Date of registration.

- 1 4. Residence address.
- 2 5. Mailing address, if different from residence address.
- 3 6. Zip code.
- 4 7. Telephone number if given.
- 5 8. Birth year.
- 6 9. Occupation if given.
- 7 10. Primary election and general election voting history for the prior
- 8 four years and any other information regarding registered voters which the
- 9 county recorder or city or town clerk maintains on magnetic computer disks or
- 10 computer software and which is public information.

11 D. The names on the precinct lists shall be in alphabetical order and
12 the precinct lists in their entirety, unless otherwise agreed, shall be
13 delivered to each county chairman and each state chairman at least quarterly
14 and within ten business days of the close of each quarter in the same format
15 and media as prescribed by subsection C of this section.

16 E. Precinct registers and other lists and information derived from
17 registration forms may be used only for purposes relating to a political or
18 political party activity, a political campaign or an election, for revising
19 election district boundaries or for any other purpose specifically authorized
20 by law and may not be used for a commercial purpose as defined in section
21 39-121.03. The sale of registers, lists and information derived from
22 registration forms to a candidate or a registered political committee for a
23 use specifically authorized by this subsection does not constitute use for a
24 commercial purpose. The county recorder, on a request for an authorized use
25 and within thirty days from receipt of the request, shall prepare additional
26 copies of an official precinct list and furnish them to any person requesting
27 them on payment of a fee equal to five cents for each name appearing on the
28 register for a printed list and ten cents for each name for an electronic
29 data medium, plus the cost of the blank computer disk or computer software if
30 furnished by the recorder, for each copy so furnished.

31 F. Any person in possession of a precinct register or list, in whole
32 or part, or any reproduction of a precinct register or list, shall not permit
33 the register or list to be used, bought, sold or otherwise transferred for
34 any purpose except for uses otherwise authorized by this section. A person in
35 possession of information derived from voter registration forms or precinct
36 registers shall not distribute, post or otherwise provide access to any
37 portion of that information through the internet except as authorized by
38 subsection J of this section. Nothing in this section shall preclude public
39 inspection of voter registration records at the office of the county recorder
40 for the purposes prescribed by this section, except that the month and day of
41 birth date, the social security number or any portion thereof, the driver
42 license number or nonoperating identification license number, the unique
43 identifying number prescribed by this section, the Indian census number, the
44 father's name or mother's maiden name, the state or country of birth and the
45 records containing a voter's signature shall not be accessible or reproduced
46 by any person other than the voter, by an authorized government official in

the scope of the official's duties, for signature verification on petitions and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station or pursuant to a court order. A person who violates this subsection or subsection E of this section is guilty of a class 6 felony.

G. The county recorder shall count the registered voters by political party by precinct, legislative district and congressional district as follows:

1. In even numbered years, the county recorder shall count all persons who are registered to vote as of:

(a) January 1.

(b) March 1.

(c) The last day on which a person may register to be eligible to vote in the next primary election.

(d) The last day on which a person may register to be eligible to vote in the next general election.

(e) The last day on which a person may register to be eligible to vote in the next presidential preference election.

2. In odd numbered years, the county recorder shall count all persons who are registered to vote as of:

(a) January 1.

(b) April 1.

(c) July 1.

(d) October 1.

H. The county recorder shall report the totals to the secretary of state as soon as is practicable following each of the dates prescribed in subsection G of this section. The report shall include completed registration forms returned in accordance with section 16-134, subsection B. The county recorder shall also provide the report in a uniform electronic computer media format that shall be agreed upon between the secretary of state and all county recorders. The secretary of state shall then prepare a summary report for the state and shall maintain that report as a permanent record.

I. The county recorder and the secretary of state shall protect access to voter registration information in an auditable format and method specified in the secretary of state's electronic voting system instructions and procedures manual that is adopted pursuant to section 16-452.

J. The secretary of state shall develop and administer a statewide database of voter registration information that contains the name and registration information of every registered voter in this state. The database shall include an identifier that is unique for each individual voter. The database shall provide for access by voter registration officials and shall allow expedited entry of voter registration information after it is received by county recorders. As a part of the statewide voter registration database, county recorders shall provide for the electronic transmittal of

1 that information to the secretary of state on a daily basis. The secretary
2 of state shall provide for maintenance of the database, including provisions
3 regarding removal of ineligible voters that are consistent with the national
4 voter registration act of 1993 (42 United States Code section 394) and the
5 help America vote act of 2002 (P.L. 107-252), PROVISIONS TO COMPARE THE NAMES
6 OF PERSONS CONVICTED OF FELONIES WHOSE CIVIL RIGHTS HAVE NOT BEEN RESTORED
7 WITH THE NAMES IN THE DATABASE, provisions regarding removal of duplicate
8 registrations and provisions to ensure that eligible voters are not removed
9 in error.

10 K. For requests for the use of registration forms and access to
11 information as provided in subsections E and F of this section, the county
12 recorder shall receive and respond to requests regarding federal, state and
13 county elections.